

**Delaware Department of Agriculture  
Pesticides Section  
2320 S. DuPont Highway Dover, Delaware 19901  
Pesticide Enforcement Action**



**Enforcement Action/Violation**

**Respondent:**

Jobes Landscape Inc.  
20934 Robinsville Road  
Lewes, Delaware 19958

**Violation:**

3 Del. C. §1224(a)(3) – Engaging in the business of applying a pesticide on the lands of another without having a license granted by the Department.

**Penalty:**

Respondent signed a consent agreement November 6<sup>th</sup> 2019. In the agreement, Respondent agreed to the imposition of disciplinary sanctions which included a civil penalty of \$1,120.00 (one thousand, one hundred twenty dollars) for violating §1224(a)(3).

**STIPULATED FACTS**

1. Jobes Landscaping, (“Respondent”) is a commercial business with an office located at 20934 Robinsonville Road, Lewes DE 19958. Respondent does not hold a pesticide business license issued by the Delaware Department of Agriculture (“the Department”).
2. Joy Tomer is the owner of Jobes Landscaping. Mrs. Tomer does not hold a pesticide certification with Department.
3. Selmi Roblero is an employee for the Respondent. Mr. Roblero is not a certified applicator or a registered service employee.
4. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Dustin Borntreger, (“Borntreger”), is employed as an Environmental Scientist II with the Department.
5. On August 20<sup>th</sup> 2019, Borntreger stopped to inspect the Respondent. Borntreger was on patrol in Sussex County when he noticed a yellow plastic bag on the jobsite that the Respondent was working on. Upon arrival Borntreger checked the Salesforce database to see if the company working the site had a Pesticide Business License. The database showed that the Respondent did not have a Pesticide Business License. Borntreger

presented his credentials to Mr. Roblero and began the inspection. The yellow bag was labeled The Andersons Professional Turf Products Weed & Grass Preventer with 5% Treflan. Mr. Roblero confirmed that the pesticide product had been used on the jobsite as a part of their services. Borntreger also photographed the granules in the flower bed area. Borntreger collected a sample of the granular product. The purpose of the sample was to verify that the yellow bag did contain the product that was on the label. The lab analysis confirmed that the yellow granular products were in the bag. Borntreger issued a cease and desist order to Mr. Roblero.

6. The Borntreger met with the owner Mrs. Tomer at the company's office location. Borntreger explained the licensing process and provided Mrs. Tomer with licensing packet. During this inspection Borntreger asked for a copy of the application records for the property in question. The Respondent did not keep records of pesticide applications.
7. The Department reviewed the Case Activity Tracking System (CATS) for Jobes Landscaping. Jobes Landscaping was contacted three times in the field and notified about the Pesticide Business License requirements. April 4<sup>th</sup>, 2011, Ben Coverdale, former Department employee spoke with Mrs. Tomer. May 3<sup>rd</sup>, 2012 James Hughes, Department employee spoke with applicator "Omar". September 29<sup>th</sup>, 2014 James Hughes inspected applicator "Morales". The notes for each of these encounters states that licensing requirements were discussed.
8. The Andersons Professional Turf Products Weed & Grass Preventer, EPA Reg. No. 9198-129 is a pesticide registered for sale and use in Delaware.
9. In the past 5 years, Respondent has no pesticide compliance violations with the Department.